

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

OPTIMUMPATH, L.L.C.,

Plaintiff

vs.

BELKIN INTERNATIONAL, INC.,  
BUFFALO TECHNOLOGY (USA),  
INC., CISCO LINKSYS L.L.C.,  
COMPEX INC., D-LINK SYSTEMS,  
INC., NETGEAR, INC. and SMC  
NETWORKS, INC.

Defendants.

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Civil Action No. \_\_\_\_\_

JURY TRIAL DEMANDED

PLAINTIFF'S ORIGINAL COMPLAINT

**PLAINTIFF'S ORIGINAL COMPLAINT**

Plaintiff OptimumPath, L.L.C. ("OptimumPath") brings this action against the Defendants Belkin International, Inc. ("Belkin"), Buffalo Technology (USA), Inc. ("Buffalo Technology"), Cisco Linksys L.L.C. ("Cisco"), Compex Inc. ("Compex"), D-Link Systems, Inc. ("D-Link"), Netgear, Inc. ("Netgear") and SMC Networks, Inc. ("SMC Networks"), (collectively "Defendants") and for its causes of action alleges as follows:

**THE PARTIES**

1. OptimumPath is a corporation organized and existing under the laws of the State of South Carolina, with its principal place of business at 3709 South Church Street Ext., Roebuck, South Carolina, 29376.
2. Belkin, on information and belief, is a corporation organized under the laws of the State of Delaware. Upon information and belief, Belkin is doing business in South Carolina,

and may be served with process by serving its registered agent, National Registered Agents, Inc. at 160 Greentree Drive, Suite 181, Dover, DE 19904.

3. Buffalo Technology, on information and belief, is a corporation organized under the laws of the State of Delaware. Upon information and belief, Buffalo Technology is doing business in South Carolina, and may be served with process by serving its registered agent at The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, DE, 19801.
4. Cisco, on information and belief, is a corporation organized under the laws of the State of California. Upon information and belief, Cisco is doing business in South Carolina, and may be served with process by serving its registered agent, Prentice Hall Corp, 5000 Thurmond Mall Blvd., Columbia, S.C., 29201.
5. Compex, on information and belief, is a corporation organized under the laws of the State of California. Upon information and belief, Compex is doing business in South Carolina, and may be served with process by serving its registered agent, Michael Liu, at 840 Columbia St. #B, Brea, CA 92821.
6. D-Link, on information and belief, is a corporation organized under the laws of the State of California. Upon information and belief, D-Link is doing business in South Carolina, and may be served with process by serving at its registered agent, Steven Joe at 17595 Mt. Herrmann St., Fountain Valley, CA. 92708.
7. Netgear, on information and belief, is a corporation organized under the laws of the State of Delaware. Upon information and belief, Netgear is doing business in South Carolina,

and may be served with process by serving its registered agent at Incorporating Services, Ltd., 3500 South Dupont Highway, Dover, DE 19901.

8. SMC Networks, on information and belief, is a corporation organized under the laws of the State of Delaware. Upon information and belief, SMC Networks is doing business in South Carolina, and may be served with process by serving its registered agent at United Corporate Services, Inc., 874 Walker Road, Suite C, Dover, DE, 19904.

#### **JURISDICTION & VENUE**

9. This is an action for infringement of a United States patent. Accordingly, this action arises under the patent laws of the United States of America, 35 U.S.C. § 1 et. seq. and jurisdiction is properly based on Title 35 United States Code, particularly § 271, and title 28 United States Code, particularly § 1338(a).
10. Venue is proper in this court under Title 28 United States Code § 1391(b) and 1400(b).

#### **PATENT INFRINGEMENT COUNT**

11. On April 25, 2006, U.S. Patent No. 7,035,281 ("the '281 patent") was duly and legally issued for a "Wireless Provisioning Device". A copy of the '281 patent is attached as Exhibit A and is made a part hereof.
12. The '281 patent is directed to wireless routers used in computer networks and telecommunications.
13. Pursuant to 35 U.S.C. § 282, the '281 patent is presumed valid.
14. Anthony C. Spearman and Andrew E. Tompkins, both of South Carolina, are the named inventors of the '281 patent. Spearman and Tompkins assigned their interest to WP Media, Inc. of Kingstree, South Carolina on September 4, 2000. (Exhibit B attached hereto). WP

Media, Inc. then assigned its interest in the '281 patent to WECOM Systems LLC on January 19, 2006, which was then re-named OptimumPath LLC on the same date. (Exhibits C and D attached hereto). OptimumPath is the sole owner of the '281 patent and has the right to enforce the '281 patent and collect damages for all relevant times.

15. Belkin, on information and belief, manufactures and sells wireless routers utilizing the technology claimed in the '281 patent, including but not limited to its Wireless G, Wireless G Plus, Wireless G Plus Mimo, N Wireless, and N1 Wireless models of routers. By providing such products, Belkin has in the past and continues to infringe at least claim 1 of the '281 patent.
16. Buffalo Technology, on information and belief, manufactures and sells wireless routers utilizing the technology claimed in the '281 patent, including but not limited to its Wireless-G, Wireless-G 125, Wireless-A&G Mimo Performance, Wireless-G Mimo Performance, Wireless-N Nfiniti, and Wireless-N Nfiniti dual band models of routers.. By providing such products, Buffalo Technology has in the past and continues to infringe at least claim 1 of the '281 patent.
17. Cisco, on information and belief, manufactures and sells wireless routers utilizing the technology claimed in the '281 patent, including but not limited to its Wireless-G, Wireless-N and RangePlus models of routers. By providing such products, Cisco has in the past and continues to infringe at least claim 1 of the '281 patent.
18. Compex, on information and belief, manufactures and sells wireless routers utilizing the technology claimed in the '281 patent, including but not limited to its NetPassage 27G model

of routers. By providing such products, Compex has in the past and continues to infringe at least claim 1 of the '281 patent.

19. D-Link, on information and belief, manufactures and sells wireless routers utilizing the technology claimed in the '281 patent, including but not limited to its Xtreme N, RangeBooster N, Wireless N, Wireless G and Wireless 108G models of routers. By providing such products, D-Link has in the past and continues to infringe at least claim 1 of the '281 patent.
20. Netgear, on information and belief, manufactures and sells wireless routers utilizing the technology claimed in the '281 patent, including but not limited to its G Wireless, Super G Wireless, A/G Dual Band Wireless, RangeMax Wireless and RangeMax Next Wireless models of routers. By providing such products, Netgear has in the past and continues to infringe at least claim 1 of the '281 patent.
21. SMC Networks, on information and belief, manufactures and sells wireless routers utilizing the technology claimed in the '281 patent, including but not limited to its SMCWBR14-N2, SMCWBR14S-N2, SMCWGBR14-N, SMC7904WBRA2, SMCWBR14-G2, SMCWBR14T-G models of routers. By providing such products, SMC Networks has in the past and continues to infringe at least claim 1 of the '281 patent.
22. The Defendants' infringement of the '281 patent alleged above has injured OptimumPath and thus, it is entitled to recover damages adequate to compensate for the Defendants' infringement, which in no event can be less than a reasonable royalty.

#### **DEMAND FOR JURY TRIAL**

23. OptimumPath hereby demands a jury trial on all claims and issues triable of right by a jury.

**PRAYER FOR RELIEF**

Wherefore, OptimumPath prays for entry of judgment:

- A. that Defendants, Belkin, Buffalo Technology, Cisco, Compex, D-link, Netgear, and SMC Networks have infringed one or more claims of the '281 patent;
- B. that Defendants, Belkin, Buffalo Technology, Cisco, Compex, D-link, Netgear, and SMC Networks account for and pay to OptimumPath all damages caused by the infringement of the '281 patent, which by statute can be no less than a reasonable royalty;
- C. that OptimumPath be granted pre-judgment and post-judgment interest on the damages caused to him by reason of Defendants, Belkin, Buffalo Technology, Cisco, Compex, D-link, Netgear, and SMC Networks' infringement of the '281 patent;
- D. that OptimumPath be granted its attorneys' fees in this action;
- E. that costs be awarded to OptimumPath;
- F. that OptimumPath be granted such other and further relief as the Court may deem just and proper under the current circumstances.

Respectfully submitted,



January 30, 2008  
Charleston, South Carolina

B. C. Killough (Federal ID # 2330)  
John W. Fletcher (Federal ID # 91378)  
BARNWELL WHALEY PATTERSON & HELMS, LLC  
885 Island Park Drive (29492)  
Post Office Drawer H  
Charleston, South Carolina 29402  
(843) 577-7700  
(843) 577-7708 (facsimile)

and

Edward W. Goldstein  
Corby R. Vowell  
GOLDSTEIN, FAUCETT & PREBEG, LLP  
1177 West Loop South  
Fourth Floor  
Houston, Texas 77027  
(713) 877-1515  
(713) 877-1145 (facsimile)

ATTORNEYS FOR PLAINTIFF